



Ohio Administrative Code

Rule 1501:13-7-08 Reclamation phase approval conference and performance security release conference.

Effective: April 30, 2009

(A) Procedure for requesting a reclamation phase approval conference or a performance security release conference.

(1) The following persons may request a reclamation phase approval conference or a performance security release conference:

(a) A person with a valid legal interest which may be adversely affected by approval of a reclamation phase or release of performance security, pursuant to rule 1501:13-7-05 or 1501:13-7-05.1 of the Administrative Code; or

(b) The responsible officer or head of any federal, state or local government agency that:

(i) Has jurisdiction by law or special expertise with respect to any environmental, social, or economic impact involved in the operation; or

(ii) Is authorized to develop and enforce environmental standards with respect to the operation.

(2) Within thirty days after the last publication of the notice required by paragraph (A)(3) of rule 1501:13-7-05 or by paragraph (A)(3) of rule 1501:13-7-05.1 of the Administrative Code, a person listed in paragraph (A)(1) of this rule may file written objections to the proposed reclamation phase approval or the proposed performance security release and request a conference with the chief.

(3) If written objections are filed and a conference is requested, the chief shall inform all interested parties of the time and place of the conference and shall hold the conference within thirty days after receipt of the request for the conference.

(4) The date, time, and location of the conference shall be advertised by the chief in a newspaper of general circulation in the locality of the coal mining operation proposed for reclamation phase



approval or performance security release at least once a week for two consecutive weeks.

(5) The conference shall be held in the locality of the coal mining operation proposed for reclamation phase approval or performance security release or in Franklin county at the option of the person requesting the conference.

(6) An electronic or stenographic record shall be made of the conference proceeding, unless waived by all parties. Such record shall be maintained and shall be accessible to all parties until at least five years after expiration of the period during which the permit is covered by any portion of a reclamation performance security.

(7) In the event that all parties requesting the conference stipulate agreement prior to the requested conference and withdraw their request, the conference need not be held.

(B) Procedure at reclamation phase approval conference or performance security release conference.

(1) A party to a conference may appear in person, or be represented by his or her attorney or such other representative as is permitted to practice before the division, and may present his or her objections to the proposed reclamation phase approval or the proposed performance security release either orally or in writing.

(2) The conference shall be conducted by the chief or a representative of the chief.

(C) Decision of the chief regarding reclamation phase approval or performance security release.

(1) The chief shall issue his or her decision to approve or disapprove a reclamation phase or a performance security release in accordance with paragraph (A)(7) of rule 1501:13-7-05 or paragraph (A)(7) of rule 1501:13-7-05.1 of the Administrative Code.

(2) Within thirty days after notification of the final decision of the chief regarding the reclamation phase approval or performance security release, the permittee or any person with an interest that is or may be adversely affected may appeal the decision to the reclamation commission pursuant to Chapter 1513. of the Revised Code.